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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KALMAN ISAACS, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

ELON MUSK and TESLA, INC.,

Defendants.

Case No. 3:18-cv-04865-EMC

**DECLARATION OF MARIO M. CHOI IN  
SUPPORT OF ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER CASES SHOULD  
BE RELATED PURSUANT TO CIVIL LOCAL  
RULES 3-12 AND 7-11**

Potentially Related Case:

*Maia v. Tesla, Inc.*, No. 3:18-cv-04939-LHK

1 I, Mario M. Choi, declare as follows:

2 1. I am an attorney at Kaplan Fox & Kilsheimer LLP, counsel for plaintiff Carlos  
3 Maia (“Plaintiff”), in the action entitled *Maia v. Tesla, Inc.*, No. 3:18-cv-04939. I submit this  
4 Declaration in Support of Administrative Motion to Consider Whether Cases Should be Related  
5 Pursuant to Civil Local Rules 3-12 and 7-11. I have personal knowledge of the facts stated in this  
6 Declaration and, if called a witness, I could and would testify competently to them.

7 2. *Maia v. Tesla, Inc.*, Case No. 3:18-cv-04939 (the “*Maia* Action”), filed on August  
8 14, 2018, is pending before the Honorable Lucy H. Koh. *Isaacs v. Musk*, Case No. 3:18-cv-  
9 04865 (the “*Isaacs* Action”), filed August 10, 2018 in this District, is currently pending before  
10 this Court.

11 3. The *Isaacs* Action and the *Maia* Action are both actions filed against the same  
12 defendants for alleged violations of the Securities Exchange Act of 1934. Both actions allege that  
13 defendants Tesla, Inc. and Elon R. Musk engaged in securities fraud when they made various  
14 false statements concerning taking Tesla, Inc. private, which they knew or recklessly disregarded  
15 were materially false and misleading in that they contained material misrepresentations and failed  
16 to disclose material facts necessary in order to make the statements made, in light of the  
17 circumstances under which they were made, not misleading. Plaintiffs further allege that  
18 Defendants’ wrongful conduct artificially manipulated the price of Tesla, Inc.’s publicly traded  
19 securities. The time period of the alleged wrongdoing is relatively similar, and both actions  
20 involve similar allegations of wrongdoing arising from the same conduct by the same parties.  
21 Relating the cases will avoid undue burden and cost to the Court and the parties, and will avoid  
22 the potential for conflicting results.

23 4. Defendants have not yet appeared, as this case was only recently filed.  
24 Accordingly, a stipulation could not be obtained under Civil Local Rule 7-12.

25 I declare under penalty of perjury under the laws of the United States and the State of  
26 California that the foregoing is true and correct.

27 Executed this 15th day of August 2018, in San Francisco, California.

28 /s/ Mario M. Choi

Mario M. Choi

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